

Lt. governor urges against toll road reversal

The Orange County Register, Tuesday, April 8, 2008

By Pat Brennan

The federal government should not overrule the California Coastal Commission's rejection of the proposed Foothill South toll road, the state's lieutenant governor and three state senators said Monday in a letter to the U.S. Commerce secretary.

Lt. Gov. John Garamendi, along with Sens. Don Perata, D-East Bay, Darrell Steinberg, D-Sacramento and Christine Kehoe, D-San Diego, wrote that building the road would destroy sensitive habitat and part of the popular San Onofre State Beach park.

"Your override of the Coastal Commission's decision would ... create dangerous precedent and would undermine California's ability to protect its coastal resources," the letter reads in part.

In February, after listening to testimony in a public hearing that drew thousands, the Coastal Commission voted against the proposed toll road, which would cut through the park and across a varied native landscape.

Orange County's Foothill/Eastern Transportation Corridor Agency appealed the ruling to the U.S. Commerce Secretary under the Federal Coastal Zone Management Act.

U.S. Commerce Secretary Carlos M. Gutierrez could overturn the state agency's ruling if he finds that the project is consistent with larger national policy goals for the coast, such as national security.

Toll agency spokeswoman Jennifer Seaton said Monday that the letter fails to raise an important point: The land the park sits on is leased from the military.

"The state entered into the lease with the understanding that the federal government had the right to approve roads there," she said.

Garamendi's letter urges that the appeal be rejected "out of hand."

"My purpose in the letter is to ask the secretary of commerce not to take up the appeal," Garamendi said Monday.

"The decision was made appropriately, in the full context of the law, and I don't think it's appropriate for the Department of Commerce secretary to override those decisions."

If the Commerce secretary does take it up, the letter urges officials there to schedule a public hearing on the matter.

Although Gov. Arnold Schwarzenegger favors the toll road project, Garamendi and some other state officials, including the state Park and Recreation Commission, oppose it.

The governor recently decided not to reappoint two park commissioners, Clint Eastwood and Bobby Shriver, although he said the decision was not related to their opposition to the toll road.

Toll road opponents, including several environmental groups, say the toll road could harm populations of rare and endangered species and destroy the ambiance of a state beach campground. They also fear harm to the famous Trestles surfing beach because of alterations to the stream that drains into it.

The toll agency says it can create or preserve habitat to make up for the damage caused by the road. Agency officials also say that the road is far enough away from the campground to avoid harmful effects and is shielded by a sound wall. The agency says its water flow studies show no effect on Trestles.

The Commerce secretary's analysis of the toll agency's appeal, filed Feb. 8, could take from 265 to 325 days to complete, although the agency has requested that the analysis be completed in the shorter time frame without extensions being granted.

Contact the writer: 714-796-7865 or pbrennan@ocregister.com